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Rights of indigenous peoples

Status of the United Nations Voluntary Fund for Indigenous Peoples

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Peoples, submitted pursuant to General Assembly resolution 69/159.

* A/71/150.

Report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Peoples

Summary

The present report on the status of the United Nations Voluntary Fund for Indigenous Peoples is submitted in accordance with General Assembly resolution 69/159. It provides updated information on the activities of the Fund since the submission of the previous biennial report (A/69/278), including on the twenty-eighth and twenty-ninth sessions of the Board of Trustees, held in 2015 and 2016, respectively. It also reports on the outcome of the intersessional meetings of the Board, a working method established to respond to the expansion of the mandate of the Fund to sessions of human rights treaty bodies and of the Human Rights Council.

I. Mandate of the United Nations Voluntary Fund for Indigenous Peoples

1. The initial mandate of the United Nations Voluntary Fund for Indigenous Peoples, established pursuant to General Assembly resolution 40/131, was to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing them with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations (NGOs) and other private or public entities.

2. Over the past 31 years, the mandate of the Fund has been expanded seven times, giving the opportunity to indigenous communities and organizations to participate in the deliberations of other human rights mechanisms and to contribute to important developments on indigenous issues that take place at the international level.

3. The first expansion of the Fund occurred in December 1995 (see General Assembly resolution 50/156) and made it possible for indigenous communities and organizations to participate in the deliberations of the open-ended intersessional working group of the Commission on Human Rights to elaborate a draft declaration on the rights of indigenous peoples. As a result, some 130 indigenous activists received financial support from the Fund to attend sessions on the draft declaration, thus contributing to this major standard-setting exercise, which culminated in the adoption by the Assembly of the United Nations Declaration on the Rights of Indigenous Peoples in 2007.

4. The mandate of the Fund was further expanded following the creation by the Commission on Human Rights (in its resolution 1998/20, endorsed by the Economic and Social Council in its decision 1998/247) of an open-ended intersessional ad hoc working group to elaborate and consider proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system. The General Assembly decided, in its resolution 53/130, that the Fund should also be used to assist indigenous representatives in participating in the deliberations of the ad hoc working group. The Fund subsequently allocated grants to some 50 indigenous representatives to attend meetings of the group.

5. The Economic and Social Council, in its resolution 2000/22, established the Permanent Forum on Indigenous Issues. Subsequent to this development, the General Assembly, in its resolution 56/140, decided that the Fund should also be used to assist representatives of indigenous communities and organizations in attending the sessions of the Permanent Forum as observers.

6. The General Assembly, in its resolution 63/161, expanded the mandate of the Fund so as to facilitate the participation of representatives of indigenous peoples' organizations in the Expert Mechanism on the Rights of Indigenous Peoples, established as a subsidiary organ of the Human Rights Council in accordance with its resolution 6/36. In addition, in September 2015, following the adoption by the Council of resolution 30/11, in which it requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to convene a two-day expert workshop to review the mandate of the Expert Mechanism and propose recommendations on how it could more effectively promote respect for the

Declaration, the Fund considered it opportune to support the participation of representatives of indigenous peoples in the workshop.

7. In its resolution 65/198, the General Assembly further expanded the mandate of the Fund in order to facilitate the participation of representatives of indigenous peoples' organizations and communities in sessions of the Human Rights Council and of human rights treaty bodies.

8. In its resolution 66/296, the General Assembly expanded the mandate of the Fund to include support for representatives of indigenous peoples, organizations, institutions and communities to participate in the World Conference on Indigenous Peoples in 2014 and in the preparatory process for the Conference.

9. The General Assembly, in its resolution 68/149, changed the name of the Fund from "United Nations Voluntary Fund for Indigenous Populations" to "United Nations Voluntary Fund for Indigenous Peoples". This symbolic but highly significant move better reflects the status and rights of those who benefit from the work of the Fund.

10. In its resolution 70/232, the General Assembly further expanded the mandate of the Fund to include support for representatives of indigenous peoples' organizations and institutions to participate in the consultation process on the procedural and institutional steps to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them.

II. Administration of the Fund and composition of the Board of Trustees

11. Pursuant to General Assembly resolution 40/131, the Fund is administered by the Secretary-General, in accordance with the relevant financial rules and regulations of the United Nations on general trust funds for humanitarian assistance, and with the advice of a Board of Trustees. The recommendations of the Board are approved by the United Nations High Commissioner for Human Rights on behalf of the Secretary-General. OHCHR acts as the secretariat of the Fund and the Board.

12. The Board is composed of five persons with relevant experience on issues affecting indigenous peoples, who serve in their personal capacity as United Nations experts. The members are appointed by the Secretary-General for a three-year renewable term.

13. The current members for the period from 1 January 2015 to 31 December 2017 are Claire Charters (New Zealand), Myrna Cunningham (Nicaragua), Binota Dhamai (Bangladesh), Anne Nuorgam (Finland) and Legborsi Saro Pyagbara (Nigeria).

III. Grant cycle

A. Meetings of the Board of Trustees

14. The Board has adapted its working methods in order to respond to the new challenges arising from the expansion of the mandate of the Fund to the sessions of the treaty bodies and the Human Rights Council. To this end, in addition to its annual sessions, the Board has established a system of intersessional meetings organized by e-mail to decide on the allocation of grants to indigenous peoples' organizations and communities that wish to participate in sessions of the Council, including the universal periodic review mechanism, and the human rights treaty bodies. Intersessional meetings are usually held in May, August and November of each calendar year.

B. Admissibility and selection of beneficiaries

15. The criteria for the selection of beneficiaries have been established by the General Assembly, as well as by the Secretary-General upon the recommendation of the Board. The Board has also formulated additional criteria for the selection of beneficiaries attending the sessions of the Human Rights Council, including the universal periodic review, and the human rights treaty bodies, taking into account the specific accreditation and attendance rules that apply to the work of those bodies and mechanisms.

16. During the selection process, the members of the Board try to ensure geographical, gender and age balance and pay special attention to indigenous persons with disabilities. At the sessions of Permanent Forum and the Expert Mechanism, priority is also given to underrepresented regions. Decisions are taken on the basis of the level of available contributions.

17. The secretariat reviews the recommendations of the Board for consistency with relevant United Nations administrative and financial rules and regulations. The High Commissioner approves, on behalf of the Secretary-General, the recommendations made at the annual session of the Board.

18. Approved travel grants include a round-trip air ticket in economy class from the beneficiary's home town to Geneva or New York and a daily subsistence allowance for the days of the session, which he or she receives upon arrival in Geneva or New York.

19. In the near future, indigenous persons who are interested in receiving assistance from the Fund will have the opportunity to apply online. An online application system for the Fund is being developed based on a system that is already being used by the other two humanitarian funds serviced by OHCHR.

C. Monitoring and evaluation of grants

20. The attendance and contributions of the beneficiaries of the Fund are closely monitored. The secretariat maintains a daily attendance sheet of the grantees and, as part of their reporting obligations, beneficiaries are requested to provide a copy of

their statement and to complete questionnaires on their participation and follow-up activities upon return to their home countries.

21. At its annual session, the Board reviews the status of all travel grants allocated in previous years and the reports containing the secretariat's analysis of the questionnaires submitted by the beneficiaries on their participation and follow-up activities. The Board does not consider applications from indigenous people's representatives and their nominating organizations that have been beneficiaries of the Fund and failed to submit their evaluation questionnaires within the past three years.

22. The Board and the secretariat each send a representative to the sessions of the Permanent Forum and the Expert Mechanism to meet and provide support to all beneficiaries present, including by contributing to their training, and to assess the impact of their participation on the deliberations at the sessions.

IV. Twenty-eighth and twenty-ninth sessions of the Board of Trustees

23. The Board held its twenty-eighth and twenty-ninth sessions from 26 to 30 January 2015 and from 18 to 22 January 2016, respectively.

24. At those sessions, the Board reviewed the implementation of the recommendations adopted at its previous sessions and examined information prepared by the secretariat, in particular relating to the extension of the mandate of the Fund, policy issues, capacity-building of indigenous peoples, fundraising efforts and the financial situation of the Fund, including contributions received or pledges made. It decided to allocate grants to indigenous representatives wishing to participate in meetings of the Permanent Forum, the Expert Mechanism and the two-day expert workshop on the review of its mandate, the Human Rights Council and its universal periodic review, the human rights treaty bodies and the General Assembly consultation held on 30 June 2016.

25. In addition, the Board met representatives of Member States during two donor meetings that were organized at the twenty-eighth and twenty-ninth sessions. Board members expressed their gratitude to the donor States for their generous contributions to the Fund (see para. 51), highlighting the impact that the Fund had had on beneficiaries and their communities, and appealed for increasing support from Governments and other donors.

26. The recommendations made by the Board at its two annual sessions, as well as during the intersessional virtual meetings, were approved on 10 February 2015 and on 11 February 2016 by the High Commissioner on behalf of the Secretary-General.

A. Recommendations for grants at the twenty-eighth session of the Board of Trustees

27. At its twenty-eighth session, the Board considered more than 507 admissible applications. Having examined the applications in the light of the selection criteria, the Board recommended the following for approval by the Secretary-General: 32 grants for representatives of indigenous communities and organizations to attend the

fourteenth session of the Permanent Forum; 32 grants for representatives of indigenous communities and organizations to attend the eighth session of the Expert Mechanism; and 14 grants for representatives of indigenous communities and organizations to attend the twenty-ninth session of the Human Rights Council, the twenty-second session of the Working Group on the Universal Periodic Review, the 114th session of the Human Rights Committee, the fifty-fifth session of the Committee on Economic, Social and Cultural Rights, the sixty-ninth session of the Committee on the Rights of the Child, the thirteenth session of the Committee on the Rights of Persons with Disabilities, the fifty-fourth session of the Committee against Torture and the eighty-sixth session of the Committee on the Elimination of Racial Discrimination.

28. Furthermore, the Board set aside a budget to enable representatives of indigenous communities and organizations to attend the sessions of the Human Rights Council, the Working Group on the Universal Periodic Review and the treaty bodies held between July 2015 and March 2016. The Board held three intersessional meetings in May, August and November 2015, during which the Board decided to allocate 27 grants as follows: 2 grants for the sixty-first and sixty-third sessions of the Committee on the Elimination of Discrimination against Women; 1 grant for the eighty-seventh session of the Committee on the Elimination of Racial Discrimination; 2 grants for the seventieth and seventy-first sessions of the Committee on the Rights of the Child; 5 grants for the fifty-sixth and fifty-seventh sessions of the Committee on Economic, Social, and Cultural Rights; 11 grants for the participation of indigenous representatives in the thirtieth and thirty-first sessions of the Human Rights Council; 5 grants for the twenty-third session of the Working Group on the Universal Periodic Review; and 1 grant for the 116th session of the Human Rights Committee.

B. Recommendations for grants at the twenty-ninth session of the Board of Trustees

29. At its twenty-ninth session, the Board considered more than 306 admissible applications. The Board recommended the following: 25 grants were allocated to support the participation of representatives of indigenous peoples' organizations and communities in the fifteenth session of the Permanent Forum; 20 grants for representatives of indigenous communities and organizations to attend the ninth session of the Expert Mechanism; and 2 grants for representatives of indigenous communities and organizations to attend the twenty-fourth session of the Working Group on the Universal Periodic Review and the eighty-ninth session of the Committee on the Elimination of Racial Discrimination.

30. The Board allocated 14 grants for representatives of indigenous communities and organizations to attend the two-day expert workshop to review the mandate of the Expert Mechanism convened pursuant to Human Rights Council resolution 30/11.

31. In accordance with General Assembly resolution 70/232, the Board recommended allocating 14 additional grants to enable the participation of representatives of indigenous organizations and institutions in the consultation process of the General Assembly aimed at enhancing the participation of indigenous peoples' representatives in United Nations meetings on issues affecting them.

32. In view of the ever-growing demand for participation in meetings of the human rights mechanisms and considering the positive impact that participation has on references made to indigenous peoples in international jurisprudence, the Board recommended setting aside a budget, which it would allocate during its intersessional meetings in May, August and November 2016, for 38 grants to cover sessions of the Human Rights Council, the Working Group on the Universal Periodic Review and the treaty bodies to be held from July 2016 to March 2017.

V. Follow-up to the World Conference on Indigenous Peoples and expansion of the mandate of the Fund

33. The Fund played a crucial role in supporting the participation of 105 indigenous peoples' representatives in the World Conference on Indigenous Peoples in 2014. In the context of the follow-up to the World Conference and its outcome document, and as a result of Human Rights Council resolution 30/11 and General Assembly resolution 70/232, the latter of which expanded the mandate of the Fund for the seventh time, the Board, at its twenty-ninth session, decided to set aside and allocate a substantial portion of the budget that it would normally use to cover the Expert Mechanism and the September session of the Council to support the participation of 28 indigenous representatives in two extraordinary meetings.

34. The first meeting was the two-day expert workshop to review the mandate of the Expert Mechanism. The second meeting was the consultation held on 30 June 2016 in accordance with resolution 70/232, in which the General Assembly requested the President of the General Assembly to conduct, within existing resources, timely, inclusive, representative and transparent consultations with Member States, indigenous peoples' representatives and institutions from all regions of the world, and existing relevant mechanisms of the United Nations, on the possible measures necessary, including procedural and institutional steps and selection criteria, to enable the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them.

35. Recalling General Assembly resolutions 63/161, 65/198, 66/296 and 69/2, the Board discussed the implications of supporting indigenous peoples' participation in the two-day workshop on the review of the mandate of the Expert Mechanism and took into consideration the expectations expressed by Member States and indigenous peoples. Regional and gender balance, as well as expertise in human rights and indigenous-specific mechanisms, informed the criteria to select the 14 beneficiaries. As noted above, the Board recommended that 14 additional beneficiaries participate in the General Assembly consultation held on 30 June. In allocating those grants, the Board gave priority to representatives of indigenous peoples or delegates from governing organizations with substantive knowledge and understanding of relevant human rights mechanisms and procedures of the United Nations system.

VI. 2030 Agenda for Sustainable Development and the Sustainable Development Goals

36. At its twenty-ninth session, the Board welcomed the adoption of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. In view of the impact that the Agenda is likely to have on the rights of indigenous peoples and the historic role of the Fund in promoting the participation of indigenous peoples at the United Nations, the Board looked into ways in which the Fund could support the implementation of the Goals within its current mandate. The Board decided to send letters to the relevant ministries and permanent missions in Geneva and in New York of the countries that had volunteered to be reviewed in 2016, encouraging them to include indigenous peoples' representatives in their country consultations, ensure that their concerns are reflected in their country reports and include indigenous peoples' representatives as part of their delegation to the high-level political forum on sustainable development.

37. The Board also discussed the importance of supporting indigenous peoples' participation in the country reviews at the high-level political forum.

VII. Thirtieth anniversary of the Fund

38. In 2015, the Fund celebrated its thirtieth anniversary. A series of activities took place on that occasion, including a photographic exhibition at the thirtieth session of the Human Rights Council and the launch of a video showing how instrumental the Fund has been over the years in strengthening the participation of indigenous peoples in decision-making processes at the United Nations, thus helping to advance the rights of indigenous peoples at the international level.

39. In the context of that celebration, the Board also proposed the publication of a series of Internet-based stories featuring testimonies of grantees of the Fund from the seven indigenous sociocultural regions and the creation of a booklet on the work of the Fund, highlighting its impact through testimonies of former grantees from all the regions of the world.

VIII. Other recommendations adopted by the Board of Trustees

A. Follow-up activities

40. At its twenty-eighth and twenty-ninth sessions, the Board strongly encouraged the beneficiaries of the Fund, OHCHR field presences and the United Nations country teams to explore opportunities to cooperate and carry out follow-up activities, thus helping to ensure better implementation of the principles contained in the United Nations Declaration on the Rights of Indigenous Peoples and the decisions, observations and recommendations of the Human Rights Council, the universal periodic review, the special procedures and the human rights treaty bodies.

B. Capacity-building and training

41. The Board has repeatedly stressed the role of the Fund not only as a source of travel grants, but also as a mechanism to build the expertise of indigenous beneficiaries, thus making them truly effective participants in United Nations human rights mechanisms.

42. In that respect, the Board underlined the importance of continuing to strengthen efforts to build the capacity of the grantees of the Fund and supported the organization by the Indigenous Peoples' Centre for Documentation, Research and Information of several induction courses and human rights training activities that took place at the sessions of the Permanent Forum and the Expert Mechanism. In addition, in collaboration with the University of Arizona, the Fund is supporting the drafting of a practical guide aimed at providing its beneficiaries with a better understanding of how to approach the United Nations human rights mechanisms in order to advocate their rights at the international level more effectively.

43. At its twenty-eighth and twenty-ninth sessions, the Board welcomed the cooperation established on an ad hoc basis with human rights NGOs in Geneva, in particular the Centre for Civil and Political Rights, UPR Info, the International Disability Alliance, the International Movement against All Forms of Discrimination and Racism and Child Rights Connect. The Board commended the support that they provided to the grantees of the Fund in focusing their advocacy efforts, making constructive and tailored interventions and helping to contribute to the implementation of the recommendations made by human rights mechanisms at the national level.

C. Information-sharing and collaboration with other human rights mechanisms

44. At its twenty-eighth and twenty-ninth sessions, the Board recommended that either the Chair or another member of the Board continue to represent the Board at sessions of the Permanent Forum and the Expert Mechanism and to attend the sessions of the Human Rights Council that consider indigenous peoples' issues in order to provide an update on the implementation of the mandate of the Fund.

45. The Board welcomed the constant collaborative efforts made by the Special Rapporteur on the rights of indigenous peoples, the Permanent Forum and the Expert Mechanism to appeal to States and other interested parties to contribute financially to support the work of the Fund, as well as to help to disseminate information on the activities of the Fund to their respective indigenous networks.

46. In addition, the Board stressed the importance of the practice, established by the Special Rapporteur, of holding meetings with the beneficiaries of the Fund in parallel to the sessions of the Expert Mechanism and the Permanent Forum.

IX. Financial status of the Fund and contributions received

47. The Fund is funded by means of voluntary contributions from Governments, NGOs and other private or public entities. The Board can allocate travel grants on the basis of the contributions paid and duly registered by the United Nations

Treasurer, as well as any balance remaining from previous years, as established by the United Nations Office at Geneva.

48. In order to operate and fulfil its mandate in a satisfactory manner, the Fund needs to receive contributions on a sustainable basis. Since its creation in 1985, its mandate has been expanded seven times in response to new developments at the international level to enable the participation of representatives of indigenous peoples and communities in major decision-making processes of interest to them.

49. While these expansions demonstrate the confidence that Member States and others have in the work of the Fund, they also mean new challenges for the Board and for the secretariat in carrying out their activities.

50. The Board noted and welcomed the significant increase in the number of applications received during the current two-year period, compared with the previous one (2013-2014). Nevertheless, the ever-growing number of applications, coupled with new requirements by Member States to support additional meetings, places additional strains on the capacity of the Board to fulfil its mandate.

51. The table below indicates the contributions received from Member States for the period from January 2014 to June 2016. The total amount is $1,364,179, which represents a slight decrease from the previous reporting period of January 2012 to June 2014, in which the total amount of contributions received was $1,379,311.

Contributions received from States (January 2014-June 2016)

(United States dollars)

Contributor	*Amount*	*Year of receipt*
Argentina	10 000	2014
	10 000	2015
	10 000	2016
Australia	130 890	2014
	109 048	2015
Chile	5 000	2014
	10 000	2015
	5 000	2016
Denmark	231 225	2014
	231 225	2015
Estonia	12 706	2014
	10 989	2015
Finland	26 350	2014
	22 371	2015
Holy See	1 417	2014
	1 422	2014
	2 000	2015
Mexico	26 355	2014
	21 021	2015
Mongolia	4 985	2014

Contributor	*Amount*	*Year of receipt*
New Zealand	10 000	2014
Norway	150 150	2014
	120 630	2015
	166 722	2016
Peru	5 000	2014
Spain	19 672	2015
Turkey	10 000	2014
Total	**1 364 179**	

52. Governments, NGOs and other private or public entities are encouraged to contribute to the Fund. Information on how to contribute can be obtained from the secretariat at: United Nations Voluntary Fund for Indigenous Peoples, Office of the United Nations High Commissioner for Human Rights, Palais des Nations, CH-1211 Geneva 10, Switzerland, or by e-mail: indigenousfunds@ohchr.org.

X. Conclusions and recommendations

53. The year 2015 marked the celebration of the thirtieth anniversary of the United Nations Voluntary Fund for Indigenous Peoples, which was an occasion to look back at the work accomplished and the impact that the Fund has had over the years. By supporting the participation of more than 2,000 indigenous representatives in major decision-making processes within the United Nations, the Fund has indirectly contributed to the development of international human rights standards and jurisprudence for the protection and promotion of indigenous peoples' rights.

54. The Fund has given a voice to many indigenous representatives at the United Nations who would otherwise not have been in a position to contribute because of financial constraints. The importance of its work is widely recognized among Member States: the General Assembly has expanded its mandate seven times since it was established in 1985.

55. The number of requests from indigenous peoples to participate in the sessions of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the Human Rights Council and its universal periodic review, as well as the treaty bodies, has increased significantly over the years.

56. Without robust, predictable and sustainable contributions to the Fund, the Board of Trustees will face difficulties carrying out its mandate and responding to these ever-growing demands. After assessing the present financial needs of the Fund, the Board has concluded that, in order for the Fund to operate satisfactorily, it needs a minimum of $700,000 in contributions in 2016. Even that amount would only partially cover the requests for funding that it currently receives.

57. **To be able to expand its support, it is imperative that the Fund receive more funds from Governments and other donors. All States and other potential donors are therefore strongly encouraged to consider contributing to the Fund so that it can continue to ensure strong support for the participation of indigenous peoples in international processes and decisions that have a direct impact on their lives.**